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FENNEMORE CRAIG
Jay L. Shapiro (No. 014650)
Patrick Black (No. 017141)
3003 N. Central Ave.
Suite 2600
Phoenix, Arizona 85012
Attorneys for Pine Water Company, Inc.

Arizona Corporation Commission

DOCKETED

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AZ CORP COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE
APPLICATION OF PINE WATER
COMPANY FOR A DETERMINATION
OF THE CURRENT FAIR VALUE OF
ITS UTILITY PLANT AND PROPERTY
AND FOR INCREASES IN ITS RATES
AND CHARGES BASED THEREON
FOR UTILITY SERVICE AND FOR
APPROVAL TO INCUR LONG-TERM
DEBT

DOCKET NO: W-03512A-03-0279

**PINE WATER COMPANY'S REQUEST
FOR EXPEDITED CONSIDERATION
AND RULING ON MOTION TO STRIKE
SURREBUTTAL TESTIMONY OF JOEL
M. REIKER**

Applicant Pine Water Company has filed concurrently herewith a Motion to Strike Surrebuttal Testimony of Joel M. Reiker. As explained in that motion, Pine Water takes the position that Mr. Reiker's Surrebuttal Testimony actually constitutes direct testimony on cost of capital, which is inappropriately filed as surrebuttal testimony. Currently, Pine Water's Rejoinder Testimony is due February 10, 2004, placing Pine Water Company in an almost impossible situation in that it lacks sufficient time to analyze and respond to Staff's new position on cost capital and must know, as soon as possible, whether it will be required to respond to this improper testimony. Accordingly, Pine Water respectfully requests that the Assistant Chief Administrative Law Judge direct Staff to respond promptly to the Company's Motion to Strike and thereafter issue his ruling on the

1 Company's motion as soon as possible so that Pine Water knows the extent of testimony
2 to which it must respond in its rejoinder filing.

3 RESPECTFULLY SUBMITTED this 26th day of January, 2004.

4
5 FENNEMORE CRAIG

6
7 By  _____

8 Mark J. Black
9 3003 North Central Avenue
10 Suite 2600
11 Phoenix, Arizona 85012
12 Attorneys for Pine Water Company

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14 Original and 13 copies were filed
15 this 26th day of January, 2004, to:

16 Docket Control
17 Arizona Corporation Commission
18 1200 West Washington
19 Phoenix, Arizona 85007

20 A copy of the foregoing
21 was hand-delivered this
22 26th day of January, 2004, to:

23 Dwight D. Nodes, Assistant Chief ALJ
24 Hearing Division
25 Arizona Corporation Commission
26 1200 W. Washington St.
Phoenix, AZ 85007

Gary H. Horton
Legal Division
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

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2 A copy of the foregoing was sent via
3 electronic and regular mail this
4 26th day of January, 2004, to:

5 John O. Breninger
6 P.O. Box 2096
7 3475 Whispering Pines Road
8 Pine, AZ 85544-2096

9 John G. Gliege, Esq.
10 Law Office of John G. Gliege
11 P.O. Box 1388
12 Flagstaff, Arizona 86002-1388
13 Attorney for Pine-Strawberry
14 Water Improvement District

15 Robert M. Cassaro
16 P.O. Box 1522
17 Pine, Arizona 85544

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19
20
21
22
23
24
25
26
By: 

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